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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments
FM Broadcast Stations,
(Two Rivers, Wisconsin)

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)
)
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MM Docket No. 97-52
RM 8987

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**COMMENTS AND COUNTERPROPOSAL
TO NOTICE OF PROPOSED RULEMAKING**

Value Radio Corporation ("Value"), licensee of radio stations WOSH(AM), Oshkosh, Wisconsin and WVBO(FM), Winneconne, Wisconsin, hereby submits these comments and a counterproposal with respect to the above-referenced Notice of Proposed Rulemaking ("NPRM"), proposing the allotment of Channel 246A to Two Rivers, Wisconsin as that community's second FM broadcast service. As shown below, Value believes that the public interest would be better served if the Commission allotted Channel 246A to Kellnersville, Wisconsin, as the station would provide the first full-time aural service to the Kellnersville community.

DISCUSSION

Under the Commission's Rules, community allotment priorities are placed in the following order: (1) first full-time aural service; (2) second full-time aural service; (3) first local

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service; and (4) other public interest matters (co-equal weight given to priorities (2) and (3)). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). As stated, if Channel 246A were allotted to Kellnersville, it would be that community's first aural service, thereby satisfying a more important need than if the station were allotted to Two Rivers, which already has an allotment for a local FM channel. See MM Docket No. 96-88.

As shown in the engineering exhibit attached hereto as Exhibit 1, a tower site could be located in Kellnersville for the Channel 246A allotment that would provide a signal which adequately covers the community and would also comply with the Commission's minimum distance separation requirements. Because such a suitable site is available, there is no technical reason why this allotment should not be granted.

Kellnersville also has the requisite political, economic and social components commonly associated with "community status." East Hemet, California, 67 RR 2d 146 (1989).

Kellnersville, a community with its own separate governing body, has been incorporated since the 1970s, and is listed as a community in the U.S. Census. Kellnersville also has a post office and a fire department within the community, as well as a church and other commercial businesses. Kellnersville also has two separate federally-funded housing projects.

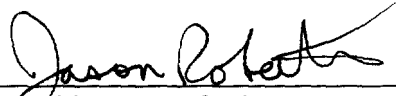
Therefore, Kellnersville more than meets the definition of a "community" for Commission purposes, and thus is fit to receive Channel 246A as its first local aural service.

CONCLUSION

Therefore, for the reasons stated above, Value Radio Corporation requests that the Commission allot Channel 246A to Kellnersville, Wisconsin as that community's first local aural service.

Respectfully submitted,

VALUE RADIO CORPORATION

By: 
David D. Oxenford
Jason S. Roberts

Its Attorneys

FISHER WAYLAND COOPER LEADER
& ZARAGOZA L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494

Dated: March 31, 1997

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VALUE RADIO CORPORATION

EXHIBIT 1

APPENDIX 1

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF:) MM DOC. NO: 97-52

**AMENDMENT OF SECTION 73.202(b),) RM-8987
TABLE OF ALLOTMENTS,)
FM BROADCAST STATIONS)
(TWO RIVERS, KELLNERSVILLE, WI)**

TO: THE COMMISSION

PREPARED FOR:

VALUE RADIO CORPORATION

MARCH 28'TH, 1997

PREPARED BY:

**LYLE ROBERT EVANS
BROADCAST CONSULTANT
1750 FREEDOM ROAD
LITTLE CHUTE, WISCONSIN 54140
(414) 687-0722**

Value Radio Corporation
Counterproposal
Ch. 246A; Kellnersville, WI

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Prepared 03/28/97

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Kellnersville Authorized Coordinates
4. ATTACHMENT E-B; FM CHANNEL 246A DISTANCE SEPERATION STUDY
Proposed Illustrative Site Coordinates

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STATE OF WISCONSIN)

COUNTY OF OUTAGAMIE)

VILLAGE OF LITTLE CHUTE)

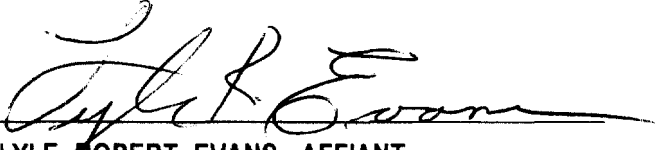
LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

THAT HE IS A ELECTRONIC COMMUNICATIONS TECHNICAL CONSULTANT
WITH OFFICES AT 1750 FREEDOM ROAD, LITTLE CHUTE, WISCONSIN,
54140;

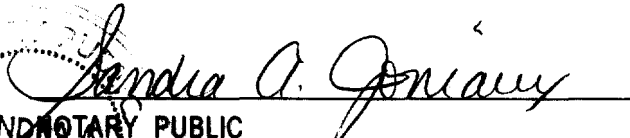
THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC
COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH THE
FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON, D.C.;

THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO,
TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN
PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION;

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND
ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE
ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY OR UNDER
HIS DIRECTION, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF
HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS
MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.


LYLE ROBERT EVANS, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28'TH DAY OF MARCH, 1997


SANDRA A. JONIAUX
NOTARY PUBLIC
JONIAUX
STATE OF WISCONSIN
DATE OF COMMISSION EXPIRATION: 5/9/99

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON D.C. 20554

IN THE MATTER OF:)	MM DOCKET NO: 97-52
AMENDMENT OF SECTION 73.202(b),)	RM-8987
TABLE OF ALLOTMENTS,)	
FM BROADCAST STATIONS)	
(TWO RIVERS, KELLNERSVILLE, WI)	

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned COUNTERPROPOSAL to a Petition For Rule making; MM Docket Number: 97-52; RM-8987, to which this Engineering Statement is Appendix 1.

Value Radio Corporation ("Value"), the entity advancing said Counterproposal, retained the services of Lyle Robert Evans, Broadcast Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Counterproposal of Value Radio Corporation, to amend Section 73.202(b) of the Commission's Rules and Regulations, to allot FM Channel 246A to Kellnersville, Wisconsin.

The Commission by NOTICE OF PROPOSED RULEMAKING, Adopted: January 31, 1997; Released: February 7, 1997 stated: "We believe the public interest would be served by proposing the allotment of Channel 246A to Two Rivers, Wisconsin, since it could provide the community with it's

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VALUE RADIO CORPORATION

second FM broadcast service. Accordingly, we seek comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the community listed below:"

	Channel No.	
City	Present	Proposed
Two Rivers, WI	255A	255A; 246A

Value Radio Corporation ("Value") advanced the following COUNTERPROPOSAL in MM Docket Number: 97-52; Rule Making 8987, for the communities listed below:

	Channel No.	
City	Present	Proposed
Two Rivers, WI	255A	255A
Kellnersville, WI	None	246A

By this Counterproposal, Value Radio Corporation proposes the Commission amend the FM Table of Allotments, 47 Code of Federal Regulations, Section 73.202(b), to allot FM Channel 246A to Kellnersville, Wisconsin.

This Counterproposal is mutually exclusive with the allotment of Channel 246A to Two Rivers, Wisconsin,

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proposed by the Commission in the referenced NOTICE.

The Kellnersville, Wisconsin, Reference Geographic Coordinates are: $44^{\circ}-13'-24''$ North Latitude; $87^{\circ}-47'-33''$ West Longitude. Attachment E-A is an FM Channel 246A Distance Separation Study with the Village of Kellnersville, Wisconsin, Reference Geographic Coordinates as base.

Attachment E-A displays an allotment of FM Channel 246A at the Geographic Reference Coordinates "Short-Spaced" to several relating assignments, such short-spacing in contravention with Minimum Distance Separation Requirements for FM allotments set forth in 47 Code of Federal Regulations, Section 73.207.

To allot FM Channel 246A to Kellnersville, Wisconsin, and comply with minimum distance separation requirements for FM allotments, it is necessary to restrict the antenna/tower location of a Channel 246A operation approximately fifteen kilometers southeast of the Village of Kellnersville, Wisconsin, Reference Coordinates.

A restricted antenna/tower location for an operation on Channel 246A at Kellnersville, consistent with Commission minimum distance separation requirements between FM radio broadcast stations, set forth in 47 Code of Federal

COUNTERPROPOSAL

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Regulations, Section 73.207, has been determined.

This illustrative antenna/tower location is 14.47 kilometers distant, at a bearing of 299.4 degrees True from the Kellnersville, Wisconsin Reference Coordinates.

Attachment E-B to this Statement, an FM Channel 246A Distance Separation Study with the restricted illustrative antenna coordinates: 44°-09'-34" North Latitude, 87°-38'-05" West Longitude, as base, evidences this illustrative site in complete compliance with all Commission minimum distance separation requirements for an FM radio broadcast station.

A typical Class A operation (6.00 kW ERP, 100 meter HAAT) at this illustrative site shall provide the requisite 70.0 dBu (3.16 mV/m), "City-Grade" signal to all Kellnersville.

The Counterproposal to which this Statement is Appendix 1, Shall provide a first local aural (FM) broadcast service to Kellnersville, Wisconsin, and vicinity, fully consistent with all Commission Rules and Regulations.

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COUNTERPROPOSAL
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CHANNEL 246A; 97.1 MEGAHERTZ
VALUE RADIO CORPORATION

A handwritten signature in cursive script, appearing to read "L R Evans", is written over a horizontal line.

Lyle R. Evans,
Technical Consultant to:
Value Radio Corporation

March 28, 1997

ENGINEERING STATEMENT; CONCLUDED

ATTACHMENT E-A

PAGE 1 OF 1

FM CHANNEL 246A DISTANCE SEPERATION STUDY

LOCATION: KELLNERSVILLE, WISCONSIN
 SERVICE: COMMERCIAL FM
 CHANNEL: 246
 FREQUENCY: 97.1 MHz.
 ZONE: II
 CLASS: A
 COORDINATES: 44°-13'-24" N.L., 87°-47'-33" W.L. (REFERENCE COORDINATES)
 APPLICANT: VALUE RADIO CORPORATION
 CALL SIGN: NONE
 FCC FILE NO: NONE
 DATE: MARCH 28, 1997

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP (KW) HAAT (M)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WBDK LIC	ALGOMA WI	BLH-930106KD	244C3 96.7	25.00 86.00	44-38-52 87-33-54	20.9	50.52 8.52	42.0 CLEAR
WUSW LIC	OSHKOSH WI	BLH-911129KB	245A 96.9	6.00 100.00	44-06-01 88-32-02	257.2	60.86 -11.14	72.0 SHORT
WGLQ LIC	ESCANABA WI	BLH-820713AB	246C 97.1	100.00 326.00	46-08-04 86-56-52	17.0	222.53 -3.47	226.0 SHORT
PRM	TWO RIVERS WI	MM DOC 97-52	246A 98.9	0.00 0.00	44-09-06 87-34-06	114.0	19.60 -95.40	115.0 SHORT%
WLTQ LIC	MILWAUKEE MI	BLH-840925DP	247B 97.3	15.50 278.00	43-06-41 87-55-38	185.1	124.02 11.02	113.0 CLEAR

-----END FM CHANNEL 246A DISTANCE SEPERATION STUDY-----

NOTES: (%) The Counterproposal of which this Attachment E-A is part is mutually exclusive with this Proposed Rule Making (PRM).

ENGINEERING STATEMENT, ATTACHMENT E-A; CONCLUDED.

ATTACHMENT E-B

PAGE 1 OF 1

FM CHANNEL 246A DISTANCE SEPERATION STUDY

LOCATION: KELLNERSVILLE, WISCONSIN
 SERVICE: COMMERCIAL FM
 CHANNEL: 246
 FREQUENCY: 97.1 MHz.
 ZONE: II
 CLASS: A
 COORDINATES: 44°-09'-34" N.L., 87°-38'-05" W.L. (ILLUSTRATIVE COORDINATES)
 APPLICANT: VALUE RADIO CORPORATION
 CALL SIGN: NONE
 FCC FILE NO: NONE
 DATE: MARCH 28, 1997

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP (KW) HAAT (M)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WBDK LIC	ALGOMA WI	BLH-930106KD	244C3 96.7	25.00 86.00	44-38-52 87-33-54	5.8	54.54 12.54	42.0 CLEAR
WUSW LIC	OSHKOSH WI	BLH-911129KB	245A 96.9	6.00 100.00	44-06-01 88-32-02	265.1	72.27 0.27	72.0 CLEAR
WGLQ LIC	ESCANABA WI	BLH-820713AB	246C 97.1	100.00 326.00	46-08-04 86-56-52	13.5	226.03 0.03	226.0 CLEAR
PRM	TWO RIVERS WI	MM DOC 97-52	246A 98.9	0.00 0.00	44-09-06 87-34-06	99.2	5.38 -109.62	115.0 SHORT
WLTQ LIC	MILWAUKEE MI	BLH-840925DP	247B 97.3	15.50 278.00	43-06-41 87-55-38	191.5	118.82 5.82	113.0 CLEAR

-----END FM CHANNEL 246A DISTANCE SEPERATION STUDY-----

NOTES: (%) The Counterproposal of which this Attachment E-B is part is mutually exclusive with this Proposed Rule Making (PRM).

ENGINEERING STATEMENT, ATTACHMENT E-B; CONCLUDED.

CERTIFICATE OF SERVICE

I, Marionetta Holmes, do hereby certify that I have this 31st day of March, 1997, mailed by first-class United States mail, postage prepaid, copies of the foregoing "**COMMENTS AND COUNTERPROPOSAL TO NOTICE OF PROPOSED RULEMAKING**" to the following:

Henry E. Crawford, Esq.
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036

A handwritten signature in cursive script, reading "Marionetta Holmes", written over a horizontal line.

Marionetta Holmes